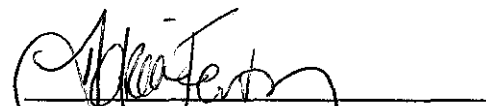


  
Councilmember Kathy Patterson

  
Councilmember Adrian Fenty

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Kathy Patterson introduced the following bill, which was referred to the  
Committee on \_\_\_\_\_.

To amend the District of Columbia Theft and White Collar Crimes Act of 1982 to  
establish the offense of identity theft, to provide penalties for each infraction, to allow  
aggregation of amounts received or lost from incidences of identity theft, and to allow for  
enhanced penalties for identity thefts victimizing individuals 60 years of age or older.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
act may be cited as the "Identity Theft Amendment Act of 2003".

Sec. 2. The District of Columbia Theft and White Collar Crimes Act of 1982, effective  
December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3201 *et seq.*), is amended as  
follows:

(a) Section 102 (D.C. Official Code § 22-3202) is amended to read as follows:

"Sec. 102. Aggregation of amounts received to determine grade of offense.

"Amounts received pursuant to a single scheme or systematic course of conduct in  
violation of section 112 (Theft), section 121 (Fraud), section 123 (Credit Card Fraud), or section  
127a (Identity Theft), may be aggregated in determining the grade of the offense and the

sentence for the offense, except that with respect to identity theft only amounts received within a  
consecutive 90-day period may be aggregated, and with respect to credit card fraud only amounts  
received within a consecutive 7-day period may be aggregated.”.

(b) A new subtitle 3C is added to read as follows:

“Subtitle 3C. Identity Theft.

“Sec. 127. Definitions.

“For the purposes of this subtitle, the term “Personal identifying information” includes,  
but is not limited to, the following:

“(1) Name, address, telephone number, date of birth, or mother’s maiden name;

“(2) Driver’s license or driver’s license number;

“(3) Savings, checking, or other financial account number;

“(4) Social Security Number or tax identification number;

“(5) Birth certificate or a facsimile of a birth certificate;

“(6) Credit card or debit card number;

“(7) Credit history or credit rating;

“(8) Personal identification number, electronic identification number, passwords,  
or digital signature;

“(9) Biometric data, such as fingerprint, voice print, retina or iris image, or other  
unique physical representation;

“(10) Place of employment, employment history, or employee identification  
number; and

“(11) Any other numbers or information that can be used to access a person’s

financial resources, access medical information, obtain identification, act as identification, or  
obtain goods or services.

“Sec. 127a. Identity theft.

“(a) A person commits the offense of identity theft if that person knowingly obtains,  
produces, or possesses personal identifying information belonging to or pertaining to another  
person, without the consent of the other person, with the intent to:

(1) Use the information to fraudulently obtain, or attempt to obtain, credit, money,  
goods, services, or property in the name of the other person; or

“(2) Give, sell, transmit, or transfer the information to a third person to facilitate  
the use of the information by that third person to fraudulently obtain, or attempt to obtain, credit,  
money, goods, services, or property in the name of the other person.

“(b) The following shall not constitute an offense under subsection (a) of this section:

“(1) Lawfully obtaining credit information for the sole purpose of  
completing a bona fide consumer or commercial transaction;

“(2) Lawfully exercising, in good faith, a security interest or a right of offset by a  
creditor or financial institution;

“(3) Lawfully complying, in good faith, with any warrant, court order, levy,  
garnishment, attachment, or other judicial or administrative order, decree, or directive; or

“(4) Obtaining or using personal identifying information of another solely for the  
purpose of misrepresenting age.

“Sec. 127b. Penalties for identity theft.

“(a) *Identity theft in the first degree.* – Any person convicted of identity theft shall  
be fined not more than \$10,000 or 3 times the value of the pecuniary benefit, the value of the  
services received, the payment sought to be avoided, or the amount of the injury to the victim,  
whichever is greater, or imprisoned for not more than 10 years, or both, if the pecuniary benefit,  
the value of the services received, the payment sought to be avoided, or the amount of the injury  
to the victim is \$250 or more.

“(b) *Identity theft in the second degree.* – Any person convicted of identity theft  
shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both, if the  
pecuniary benefit, the value of the services received, the payment sought to be avoided, or the  
amount of the injury to the victim is less than \$250.

“Sec. 127c. Restitution.

“When a person is convicted of or pleads guilty or nolo contendere to identity theft, the  
sentencing judge, in addition to any other applicable penalty, shall order full restitution for any  
monetary injury to the victim and reasonable costs incurred by the victim or any other person  
who has suffered a financial loss or expense as a result of the offense including, but not limited  
to:

“(1) Expenses related to clearing the victim’s credit rating or credit history; and

“(2) Expenses related to any civil or administrative proceeding to satisfy or  
contest a debt, lien, judgment, or other obligation of the victim that arose as a result of the  
violation of this subtitle.

“Sec. 127d. Correction of public records.

“The sentencing court may issue such orders as are necessary to correct any

public record that contains false information provided in violation of this subtitle.

Notwithstanding any other provision of law, District of Columbia agencies shall comply with these orders within 30 days.”.

(c) Section 201(b) (D.C. Official Code § 22-3601(b)) is amended by striking the phrase “attempted theft,” and inserting the phrase “attempted theft, identity theft,” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1- 206.02(c)(2)), and publication in the District of Columbia Register.